(13)

Division Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No.5150...../2005

PETITIONER

Yashwant Kumar Harmukh
S/o Late Shri Kanhaiya Lal Harmukh aged about 65 years, R/o Village Kolhiyapuri Post-Pisegaon, Tah & District Durg (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary
Department of cooperative,
D.K.S. Bhawan, Mantralaya
District Raipur (C.G.)

2. Registrar
Cooperative Societies
State of Chhattisgarh Raipur (Chhattisgarh)

3. Joint Registrar
Cooperative Societies
State of Chhattisgarh Raipur (Chhattisgarh)

4. Deputy Registrar
Vipnan Sahkari Samiti Maryadit, Durg, District Durg (Chhattisgarh),

5. Durg Sahkari Vipnan Avam Prakriya Samiti Maryadit,Durg, District Durg (Chhattisgarh)

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P.R. No. 5305/05
Presented by Shri Manish Upadhyay
dated 7/10/05

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS TO MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS: -

1. PARTICULARS OF THE PETITIONERS:

XI-HC-22

(107)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO. 5150/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench:
Hon'ble Shri V.K. Shrivastava, &
Hon'ble Shri Dhirendra Mishra, JJ.

25/01/2007

Shri Prateek Sharma, counsel for the petitioner.

Shri Prashant Mishra, Addl. Advocate General for the State/respondents No. 1 to 4.

None for respondent No.5.

Heard.

Learned counsel for the petitioner prays to record his observation regarding his prayer that the order passed by this Hon'ble Court on 19/12/2006 by Full Bench has no retrospective effect.

This writ petition has been filed by the petitioner for the following reliefs:

> *"To kindly issue the aforesaid amendment vide no.22 of 2004 dated 10/01/2005 brought to the Chhattisgarh Cooperative Act, 1960 quash as ultra vires to the Article 14 of the Constitution of India.*
>
> *To kindly issue a writ of mandamus directing the respondents to hand over charge of the society to the Managing Committee duly elected under the chairmanship of the petitioner"*

This Court vide order dated 19/12/2006 has held as below:

> *"In the result, the impugned amendment is neither arbitrary nor violative of Article 14 of the Constitution, therefore, the impugned amendment cannot be annulled or declared ultra vires. Accordingly, all the*

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 5150 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

writ petitions are dismissed. However, it is ordered that the Registrar, Co-operative Societies shall, within six months from today, hold elections of all the bodies in accordance with law, rules and bye-laws who have completed their term and shall bring all those fresh elected bodies into existence."

In view of this Court's order dated 19/12/2006, this petition has become infructuous. Accordingly, W.P.No.5150/2005. as well as prayer of the counsel for petitioner to record his observation are dismissed. Consequently, I.A.Nos. 9272/2005, 372/2007 and 373/2007 stand disposed of.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Dhirendra Mishra
Judge

raju

(पीछे देखिये)